

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MORGAN ART FOUNDATION LIMITED,

PLAINTIFF,

-AGAINST-

MICHAEL MCKENZIE D/B/A AMERICAN IMAGE ART,
DEFENDANT.

Case No. 1:18-cv-04438-AT-BCM

DECLARATION OF KEN HENDEL

I, KEN HENDEL, do hereby declare under penalty of perjury that the following is true and correct:

1. I am fully familiar with the matters set forth in this Declaration based on personal knowledge about the facts and matters below. I am over the age of 18 years and not laboring under any disabilities.
2. I own an art gallery in Aventura, Florida, where I sell artwork. I work with various art dealers, including Greg Allen, who also goes by the name Gary Wayne.
3. I last dealt with artwork owned by Michael McKenzie in September 2021 when Allen came to my gallery with a "Hope" sculpture.
4. Allen told me that he is working with McKenzie to sell Indiana artwork that is owned by McKenzie.
5. Allen told me that he does not own the works himself. He said he is an intermediary who sells McKenzie's inventory.
6. Allen told me that he has access to a significant inventory of McKenzie's Indiana artwork and that he would be able to obtain more upon request.

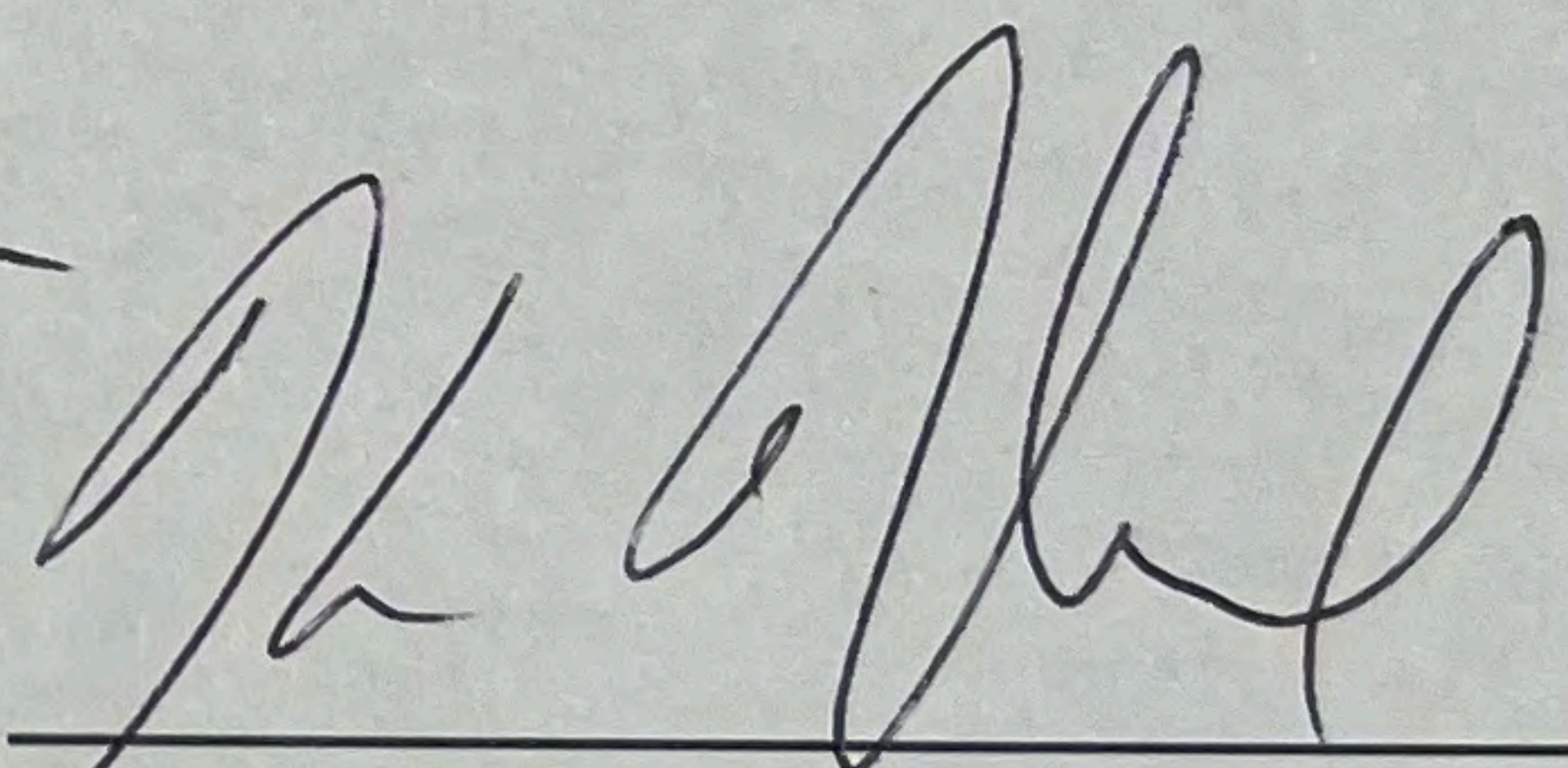
7. Allen then offered the sculpture to me for \$200,000. I said that I would be willing to purchase the sculpture for a discount to reflect the fact that Allen owed me money from a prior transaction. This counteroffer, and my reference to Allen's debt, led to an argument. Eventually the local police were called and Allen left, taking the sculpture with him.

8. I have read this document carefully. Every statement in this document is truthful and accurate, I have not been paid in exchange for giving this information, and I have given this declaration under my own free will.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Florida on 1/27/2022

By:


Ken Hendel